



TOWN OF WEARE
PLANNING BOARD
ZONING BOARD OF ADJUSTMENT
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Naomi L. Bolton
Land Use Coordinator

Office Hours:
Monday
thru
Friday
8 AM – 4:30 PM

**PLANNING BOARD
MINUTES
APRIL 23, 2009
(Approved as written 5/14/09)**

PRESENT: Chairman Craig Francisco; Frank Bolton; Tom Clow; Neal Kurk; Naomi Bolton, Land Use Coordinator

GUESTS: Shannon McManus; Doug Wilkins; Ray Shea; Stephen Fifield; Kurt Boisvert.

I. CALL TO ORDER:

Chairman Craig Francisco called the meeting to order at 7:00 PM at the Weare Town Office Building.

II. PUBLIC HEARING:

Chairman Francisco stated that according to the agenda we were scheduled to have a joint hearing with the Zoning Board but the Zoning Board has voted not to hold the joint meeting. They will be hearing the variance portion at their May meeting. So the board will not be hearing the subdivision for Stephen Pope until May after the Zoning Board takes action on the variance.

NEW CINGULAR WIRELESS (OWNER: JOHN J. MOODY) – CONTINUED HEARING, FOREST ROAD, TAX MAP 411-290: Chairman Francisco opened this hearing at 7:10 PM. Attorney Doug Wilkins from Kreiger and Anderson was present. The boundary plan is shown on the loose sheet on the half size plans. There no wells within 100 feet as the boundary survey shows. Chairman Francisco pointed out that the surveyor didn't stamp the plan, which needs to be done. Tom Clow moved to accept the application as complete; Frank Bolton seconded the motion. Vote: 4 in favor.

Attorney Wilkins reminded the board that this is a proposed 100 foot monopine. They did the balloon test. Attorney Wilkins stated that he will reserve the rest of the presentation for the RF engineer at such time that Ivan Pagacik the Town's RF engineer can make his presentation, hopefully at the next meeting. He discussed the visual part of the presentation. He went over the photos that were taken the day the balloon test was done.

Chairman Francisco informed Attorney Wilkins that we do have a 25' wetland buffer and the driveway appears to be in that buffer in about three (3) places. It

would require a variance from the ZBA. The only other comment he had is to do with the tree canopy. Chairman Francisco stated that he noticed that it doesn't include any small saplings or trees on the subject property. Attorney Wilkins responded that he was not sure why that was done, but regardless they still have to seek relief from the ZBA for that as well.

Frank Bolton stated that he would like to follow up on Chairman Francisco's tree canopy comment and asked about the 150 radius. He wondered if the tree canopy was to be 150' from the tower or from the complex area. It appears that the engineer or surveyor did it, did the 150' from the complex area.

Neal Kurk wanted to remind Attorney Wilkins that Article 32.7.F discusses camouflage and it would need to be looked at to address the plantings necessary around the fence, arborvitaes might be a possibility. A landscape plan should be considered.

Mr. Bolton asked why they are looking at the 100' tower in this location when the same property owner owns the adjacent lot, why wouldn't they consider moving this up on the hill and do 50' tower. Attorney Wilkins responded that he would like to ask his RF engineer and the whole idea with the tower location is to make it as inconspicuous as possible and moving it up on the ridge makes it really visible. Mr. Bolton stated that the other thing he wondered about and he travels that road often, is that he gets good cell service and why is there a need for another tower. Attorney Wilkins stated again he would have to let his RF engineer discuss this as he can't answer that.

Mr. Bolton stated that he would be interested in seeing, since he gets good service, what the percentage is of carriers in the area, how many have good service without this tower. Attorney Wilkins responded there are about 6 popular carriers of cell service. The telecommunication act gives them the right to cover gaps in their existing services. The one thing the telecommunication act says is that just because one carrier has good service they can't be precluded others from achieving the same, they have a right to.

Chairman Francisco asked about the roadway being a class VI road. Naomi informed the board that she is having Merry research the minutes to see what was actually given. The original owner of the lot got a variance to put a single family home on that lot with some upgrading to the road. Before Mr. Moody purchased the property he came to the Board of Selectmen to see if the upgrade would still be ok for him to develop the lot. The Board of Selectmen at the time wanted to look into what the standards were at the time of issuance.

Naomi then brought up a reminder of article 32.11 for the public safety use of the tower.

Kurt Boisvert, resident here for another hearing commented that as a consumer he lives in a black hole area he has had all of them and what he does is he goes to companies and asks them to bring up his address so that he can see if there is cell coverage at his house. He has found that there is very little to none at his house, he was thinking this might make it better but wasn't sure.

Attorney Wilkins again pointed out that information would be better answered by the RF engineer at next months meeting.

Being there was no further information to be discussed at this time, Neal Kurk moved to continue this hearing to May 28, 2009; Frank Bolton seconded the motion, all in favor.

Chairman Francisco closed this hearing at 7:53 PM.

PAUL SHEATLER – SUBDIVISION, RIVER ROAD, TAX MAP 412-042:

Chairman Francisco opened this hearing at 7:55 PM. Ray Shea was present. The board went through the application to see if it was complete. Everything appeared to be in order. Tom Clow moved to accept the application as complete; Neal Kurk seconded the motion, all in favor. Mr. Shea explained that this is currently a four (4) acre lot with 400 feet of front. The proposal is to subdivide the property into two (2) lots and remove one of the existing houses and build a new house on the new lot.

Neal Kurk asked when the permission was granted for the accessory apartment. Naomi pulled the folder from the assessing department and there was no evidence that a special exception was granted. From the information in the folder it appears that the apartment existed before 1988 when zoning was first implemented.

Kurt Boisvert, 410 River Road, asked which one of the homes was planned on being removed. Mr. Shea responded that the house to the rear of the property is the one that is going to be removed.

Steve Fifield, 429 River Road, asked about the well radius for the new septic system because it appears close to his well. Mr. Shea responded that the State requires a 75 foot well radius indicated for that reason.

The board discussed the square footage of the in-law apartment. After a lot of discussion the in-law apartment is compliant with the current zoning regulations. It is noted on the plan that is to be recorded that it is a single family with an in-law apartment.

Tom Clow moved to conditionally approve the subdivision subject to the following:

- the removal of the two (2) story building need to be indicated on the plan

- bearings and distance be added to the side property line
- the lot corners need to be shown on the plan

Neal Kurk seconded the motion. Discussion: Frank Bolton stated that he is not sure this is a good way to go. He felt that the house should be removed before the approval is made. Vote: 2 in favor (Neal Kurk and Tom Clow) and 1 opposed (Frank Bolton). Chairman Francisco closed this hearing at 8:37 PM.

III. OTHER BUSINESS:

SNHPC REPRESENTATIVE: Ian McSweeney is one of the Town of Weare's representatives along with Terry Knowles. Mr. McSweeney's term is up and he would like to continue to serve for another three (3) year term. Neal Kurk made a motion to recommend to the Board of Selectmen that Ian McSweeney be the Town of Weare's Southern NH Planning Commission's representative for another three year term; Frank Bolton seconded the motion, all in favor.

IV. MINUTES:

Any outstanding minutes will be done at the next meeting.

V. ADJOURNMENT:

As there was no further business to come before the board, Neal Kurk moved to adjourn at 8:40 PM; Frank Bolton seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton
Land Use Coordinator